THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.15503 of 2007

Date 06-10-2007

Between:
Jammana Venkatamma died per L.Rs. and others.

..... PETITIONERS

AND

State of A.P. represented by its Principal Secretary & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.15503 of 2007

ORDER:

It is stated that the first respondent – Government of Andhra Pradesh started construction of Somasila Project on Cheyyeru River and had identified several villages for the purpose of foreshore submersion under Somasila Project. The petitioners' village is one such village, where the entire lands and structures of the petitioners were acquired for the said purpose. The village was divided into several reaches for the administrative convenience of the respondents and the lands of the petitioners fell under Reach No.14 of Vakamada Village, Gopavaram Mandal, Kadapa District. The respondents had issued Section 4(1) notification under the Land Acquisition Act, 1894 (for short "the Act"), which was published on 07.12.1978 and the respondents had passed an award, vide Award No.12/1980-81, dated 29.12.1980, fixing the market value to the lands of the petitioners. Aggrieved by the compensation fixed by the 3rd respondent herein, several villagers, whose lands were acquired, had submitted their applications under
Section 18 of the Act for fixing fair and just compensation. The respondents had referred the applications filed by the claimants to the Court of Senior Civil Judge, Rajampet, for fixing fair and just compensation. It is also stated that the reference made by the 3rd respondent to the Court of Senior Civil Judge, Rajampet, was numbered as O.P.No.152 of 1987 on the file of the Senior Civil Judge, Rajampet. The learned Senior Civil Judge after considering the market value, potentiality, yielding and irrigation sources etc., allowed the O.P. by enhancing the market value by its judgment and decree dated 02.09.1987. Thereafter, the petitioners made copy application on 14.09.1987 before the learned Senior Civil Judge,

Rajampet, seeking certified copy of the judgment and decree passed in the above O.P. and that the petitioner received the copies on 13.10.1987. It is stated that the petitioners submitted their applications on 02.12.1987 to the third respondent under Section 28-A of the Act for

re-determination of the market value as per the judgment and decree dated 02.09.1987. Petitioners grievance is that though they filed applications within the limitation prescribed under Section 28-A of the Act, the applications are pending till date without passing any orders. Respondents preferred an appeal before this Court against the judgment and decree in O.P.No.152 of 1987, dated 02.07.1987. This Court, after considering the material on record, dismissed the appeal confirming the judgment and decree of the learned Senior Civil Judge, Rajampet in O.P.No.152 of 1987. It is stated that though the respondents had deposited the amounts in O.P.No.152 of 1987, they failed to pass orders on the applications of the petitioners for re-determining the market value in terms of the judgment and decree in O.P.No.152 of 1987, dated 02.09.1987. The action of the respondents in not re-determining the market value is arbitrary, illegal and violative of Article 300-A of the Constitution of India.

In Ref.No.C705/2007, dated 09.09.2007, addressed by the Special Deputy Collector (LA), Somasila Project, Unit-IV, Rajampet, it was stated as hereunder:

> "I invite your attention to the references cited and it is informed that your claimants have filed a Writ Petition before the Hon'ble High Court with a request to issue direction to the respondents to re-determination of compensation on their applications under Section 28-A of L.A.Act. In this regard the G.P.L.A. Hon'ble High Court of A.P., Hyderabad in the reference 2nd cited to file counter affidavit in the above matter.
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> In this connection, it is to inform that the village was already submerged and evacuated in the year 1986-87 under the back water of Somasila Project. The villagers have settled in the various places throughout the State and their whereabouts are not known.
>
> Hence, I request you to kindly inform your claimants in W.P.No.15503/2007 along with relevant connected records on

18.09.2007 before the office of the Special Deputy Collector (LA) Somasila Project, Unit-IV, Rajampet, for conducting enquiry on the following points.

1) Whether the applications under Section 28-A of L.A.Act have filed or not, if filed to produce documentary evidence.
2) Whether the said applications are filed within a time limit or not, if filed within time limit to produce documentary evidence.
3) If they filed within time limit to verify the genuinity of their applications under Section 28-A of L.A.Act.

I, therefore, request you to kindly to furnish the correct address particulars of the petitioners so as to enable me for issue of notices and take further action in this case.

I request early reply in the matter.

I also requested to send the correct addresses of the petitioners."

In the light of the specific stand taken by the third respondent in the instructions referred to supra, the writ petition is disposed of with a direction to the writ petitioners to appear before the third respondent, furnishing the addresses and correct details as required by him, within a period of three weeks from the date of receipt of a copy of this order and let the third respondent verify the particulars and further proceed in accordance with law, within a period of six weeks, thereafter. No order as to costs.

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06-10-2007

usd